

SIKKIM

GOVERNMENT

GAZETTE



**EXTRAORDINARY
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Gangtok

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**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No.110/Home/2009

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NOTIFICATION

In order to ensure uniformity and for effective processing of matters relating to withdrawal from prosecution of criminal cases under section 321 Cr. P.C., the State Government has been pleased to lay down the following guidelines with immediate effect:-

1. All applications or proposals or requests for withdrawal from prosecution shall be processed by the Home Department. The guiding principle for entertaining any such application/request shall be that it would serve the broad ends of public justice.
2. The views and comments of the Head of the prosecuting agency, namely the Sikkim Police or the Sikkim Vigilance Police as the case may be in respect of criminal cases, shall be called for in the first instance. In case the matter is initiated on an application received from an accused in the case, a copy of the application shall be forwarded to the concerned agency while seeking its views/comments. In other cases, comments of the prosecuting agency may be sought giving them a brief background of the circumstances that have resulted in the proposal for withdrawal from prosecution.
3. On receipt of the views/comments of the prosecuting agency, the Home Department shall put up the proposal duly incorporating the views and comments of the prosecuting agency, to the Minister in charge of Home Department, through the Chief Secretary.
4. In case the State Government decides to withdraw from prosecution in a case, necessary instructions shall be conveyed to the Public Prosecutor/Assistant Public Prosecutor in charge of the case for taking appropriate steps in accordance with law contained in section 321 Cr. P.C. in the Court in which the case is pending.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

**T. T. DORJI, IAS
CHIEF SECRETARY**